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August 21, 2020

**FILED BY ECF**

The Honorable Vernon S. Broderick  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: United States v. Confesor, 20-CR-00059-VSB**

Dear Judge Broderick:

I am appointed counsel under the Criminal Justice Act for Mr. Minaya-Rodriguez in the case referenced above and respectfully submit this letter on his behalf to request a modification of his home detention bail condition such that he may be permitted to leave his home for an hour each day in order to exercise outdoors and get fresh air, while abiding by all social distancing restrictions. On February 20, 2020, the order entered by Magistrate Judge Moses setting the conditions of bail provided for the following:

- a personal recognizance bond in the amount of \$100,000;
- the bond to be co-signed by three financially responsible persons (which was modified to two co-signers on March 17, 2020) acceptable to the United States Attorney's Office for the Southern District of New York ("USAO");
- surrender of passport and any travel documents which defendant now holds;
- travel restrictions to the Southern and Eastern Districts of New York, the District of Maryland and points in between solely for purposes of transit;
- pretrial supervision in the District of Maryland as directed by Pretrial Services Agency;

Defendant's request in granted in part. Defendant will be permitted to leave his home for one hour every other day to exercise. Defendant shall inform pretrial services in advance of leaving his home to exercise

**SO ORDERED:**

*Vernon S. Broderick*

**HON. VERNON S. BRODERICK 8/24/2020  
UNITED STATES DISTRICT JUDGE**

- no contact with any of Mr. Minaya-Rodriguez's co-defendants, direct or indirect, except in the presence of counsel; and
- home detention enforced by GPS monitoring with the further condition that defendant seek and maintain verifiable and lawful employment at a stationary workplace.

After meeting these requirements, Mr. Minaya-Rodriguez was released on March 24 and has been confined to the residence that he shares with his girlfriend, Belkis Castillo. Mr. Minaya-Rodriguez has complied with his bail conditions. Mr. Minaya-Rodriguez has been unable to find suitable employment, to date, and as a result, he has been confined 24 hours a day inside of a small apartment for the past five months. This physical isolation has negatively impacted his mental health and he is increasingly anxious and feeling depressed. The President of the American Public Health Association, Dr. Lisa Carlson, has indicated that especially in these times of "widespread isolation," during the COVID-19 crisis, "getting outside to breathe fresh air, see the sun rise, feel the breeze" can be "centering experiences that are vital to our mental wellness."<sup>1</sup> Public health officials, including those in New York's Office of Mental Health, have acknowledged that the outbreak of COVID-19 has "led to the spread of fear and panic for individuals," and that individuals should be "taking care of their psychological well-being," by, among other things, practicing "good self-care, including exercise," and "if possible, spend[ing] time outside."<sup>2</sup>

We have conferred with AUSA Juliana Murray and she has consented to this requested bail modification. We have also contacted Supervising Officer Jonathan Lettieri regarding this request and I am informed that Pretrial Services opposes this request and that allowing Mr. Minaya-Rodriguez outside for "fresh air" contradicts the intended purpose of the home detention condition which requires him to remain in the home except for certain activities approved in advance. Pretrial Services's position is that it would be impossible to verify via documentation whether Mr. Minaya Rodriguez were going out for "fresh air" or for some other purpose.

Mr. Minaya-Rodriguez has told us that the isolation of the past five months has taken a toll on his mental and emotional wellbeing. He believes that having the ability to go outside of

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<sup>1</sup> American Public Health Association (APHA), *Nature Can Boost Your Mental Health During COVID-19 Pandemic*, APHA News Releases (April 20, 2020), <https://www.apha.org/news-and-media/news-releases/apha-news-releases/2020/nature-can-boost-mental-health>.

<sup>2</sup> New York State Office of Mental Health, *Feeling Stressed About Coronavirus (COVID-19)? Managing Anxiety in an Anxiety-Provoking Situation* (March 16, 2020), <https://omh.ny.gov/omhweb/guidance/covid-19-managing-stress-anxiety.pdf>

the house for an hour each day will greatly contribute to improving his physical and mental health and will abide by social distancing requirements.

Thank you for the Court's attention and consideration of this request.

Respectfully submitted

/s/ Victor L. Hou

Victor L. Hou

cc: Juliana Murray, Esq., AUSA  
Jonathan Lettieri, Supervising Officer, PTS